

# EXHIBIT 6

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August 8, 2018

### By E-mail

Thomas E. Egler  
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Re: *In re: National prescription Opiate Litigation*, MDL No. 2804:  
Depositions and Discovery

Dear Counsel:

I write in response to your August 7, 2018 letter regarding discovery from Allergan.

**Search Terms regarding Kadian® and Norco®:** To-date, Allergan has already agreed to run 463 search terms. The bulk of these terms were developed in conjunction and ultimately agreed to with Motley Rice in the *City of Chicago* case. Since then, Allergan has only broadened that list via negotiations and agreements with State Attorneys General. In this way, the search terms Allergan has applied to date have already been agreed to by Plaintiffs' counsel in this case and added to via discussions with other interested parties.

Nonetheless, as your letter indicates, Plaintiffs proposed more than 14,000 additional search terms on June 16, 2018, which amount to more than 3.9 million documents. (*See Exhibit A, Hit Report* for these 14,000 terms.) Even with the recent short extension of the trial date and close of discovery, this simply cannot be completed in the contemplated timeframe and is wholly unreasonable. And despite repeated requests, Plaintiffs have failed to justify the extensive list of terms or to offer any effort at compromise.

In an effort to reach a compromise, on August 3, 2018, Allergan proposed running an additional 450 terms, nearly doubling the volume of search terms run to-date. Plaintiffs, however, refused this offer and instead still demand that Allergan run the 14,000-plus terms originally proposed on the basis that these search terms are "far narrower than the terms Purdue and Mallinckrodt have adopted." Plaintiffs ignore that that Allergan has agreed to run these terms over 57 custodians (more than either of the other defendants you reference). More importantly, Plaintiffs have provided no justification for why the same terms should be run by each defendant.

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If that were the case, Plaintiffs would not be engaging in individual meet and confers with each defendant to determine what terms are necessary and appropriate given each defendant's individual products, relevant timeframes, etc.

In short - merely saying that other defendants have agreed to run more or different terms is not relevant. In contrast, what is highly relevant, is that Allergan months ago negotiated in good faith the terms relating to Kadian® and Norco® and has undertaken substantial effort to produce over 2 million pages based on those agreed-upon terms. It is unreasonable, even with a short extension, for Plaintiffs to demand a do-over, particularly when Plaintiffs' counsel in this case negotiated the original terms that have since been significantly expanded.

On our August 6, 2018 call, the single issue Plaintiffs raised regarding our August 3 compromise was with respect to approximately 85 terms not tethered to any opioid. To address your concern, Allergan will also agree to run those search terms with the following restrictions: (Kadian OR Norco) AND [insert search term]. For example, for search term 3, Allergan agrees to run (Kadian OR Norco) AND (neonatal OR infant\* OR newborn\* OR bab\*) w/3 (withdrawal OR dependen\*). A hit report showing all of the additional search terms Allergan has offered to run can be found at Exhibit B.

These additional search terms will provide Plaintiffs with more than sufficient discovery into Allergan's branded opioids, based on the various theories you have described. (Our position on search terms relating to generic opioids is separately addressed below.) Allergan believes that on this basis, it can complete production of these newly identified documents by late September or early October. Please let us know your position, so that we can seek guidance from Special Master Cohen if we are not able to resolve the issue.

**Rule 30(b)(6) Depositions:** Your letter accurately states that Allergan maintains its objections to topics 17, 20, 23, 24, 25, 26, 41, 43 and 48 (although Allergan did note that it would be amenable to responding to a document request related to topics 23 and 48) and agreed to provide testimony on topics 28 and 31. Please confirm whether Plaintiffs agree to forgo testimony on these topics. If not, please explain Plaintiffs' argument for why these topics are relevant and appropriate for 30(b)(6) testimony.

Your letter also identifies 24 topics for which Plaintiffs seek written responses, rather than testimony. This amounts to 50% of the topics for which Plaintiffs chose to seek 30(b)(6) testimony. Allergan declines this offer, as it disagrees that all of these topics are more efficiently addressed (or can be adequately addressed) through written responses. Allergan reiterates its offer to provide written responses to topics 1, 2, and 45. Additionally, in light of Special Master Cohen's recent letter encouraging the parties to schedule 30(b)(6) depositions regarding "traditional" 30(b)(6) topics (like how computer systems work), Allergan is willing to offer a 30(b)(6) deposition on the following topics later this month or early September (before completing its production of

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documents related to Kadian® and Norco®): topics 4, 7, 8, 12, 13, and 14. Please confirm whether you agree to this proposal, and if not, why not.

**Generics:** We appreciate your prior statements that Plaintiffs do not expect Allergan and Teva to engage in a duplicative review of documents relating to generics, and we reiterate that the non-custodial data for generics, and most relevant custodial data for generics, was transferred to Teva in connection with the transaction. Teva has both the right and obligation to defend generics under the sale documents, and has agreed to do so. Counsel for Teva, Steven Reed and Rebecca Hillyer, are copied here. As you requested on our call on August 6, 2018, Allergan will provide Plaintiffs with a written summary of its and Teva's approach for discovery related to generic opioids. We will endeavor to address the questions raised in your August 7, 2018 letter in that written summary. The parties can then meet and confer—with Teva—to identify any areas of disagreement.

**Depositions:** As we discussed on August 6, 2018, once the parties reach agreement on search terms and Allergan can estimate when it will substantially complete its production relating to Kadian® and Norco®, Allergan will be in a position to propose dates for the remaining 30(b)(6) depositions topics that require document discovery and will also be in a position to determine when it can prepare and present fact witnesses on issues relating to Kadian® and Norco®. However, as we have stated, the remaining fact witnesses you have noticed also had responsibility for generics, and thus Teva will need to weigh in on when custodial files relating to generics can be produced, so that we can propose dates.

Sincerely,

*/s/ Donna M. Welch, P.C.*

Donna M. Welch, P.C.

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